

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH MORREALE and MICHELLE MORREALE,

07 CIV. 3581 (MGC) (KNF)

Plaintiffs,

ANSWER

-against-

Assigned to:
Judge Miriam Goldman
Cedarbaum

MT. SINAI HOSPITAL, DAVID H. ADAMS, M.D.,
ANELECHI CHINEDU ANYANWU, M.D.,
JEFFREY PAUL GUMPRECHT, M.D., "JOHN"
PLOTKIND, M.D., and JOHN DOES, Nos. 1-5,

Defendants.
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Defendant, JEFFREY PAUL GUMPRECHT, M.D., by his attorneys, WILSON, ELSER,
MOSKOWITZ, EDELMAN & DICKER LLP, responds to the allegations in the Verified
Complaint as follows:

PARTIES

1. Denies possessing knowledge or information sufficient upon which to form a
belief as to the truth of the allegations contained in Paragraph "1" of the Verified Complaint.

2. Denies possessing knowledge or information sufficient upon which to form a
belief as to the truth of the allegations contained in Paragraph "2" of the Verified Complaint.

3. Admits the truth of the allegations contained in Paragraph "3" of the Verified
Complaint.

4. Admits the truth of the allegations contained in Paragraph "4" of the Verified
Complaint.

5. Denies the allegations contained in Paragraph "5" of the Verified Complaint in
the form alleged except admits that JOSEPH MORREALE was a patient.

6. Denies the allegations contained in Paragraph "6" of the Verified Complaint in
the form alleged except admits that JOSEPH MORREALE was a patient.

7. Admits the truth of the allegations contained in Paragraph "7" of the Verified Complaint.

8. Admits the truth of the allegations contained in Paragraph "8" of the Verified Complaint.

9. Denies the allegations contained in Paragraph "9" of the Verified Complaint in the form alleged except admits that JOSEPH MORREALE was a patient.

10. Denies the allegations contained in Paragraph "10" of the Verified Complaint in the form alleged except admits that DAVID H. ADAMS, M.D. was and is an attending physician at THE MOUNT SINAI HOSPITAL with admitting privileges.

11. Denies the allegations contained in Paragraph "11" of the Verified Complaint in the form alleged except admits that DAVID H. ADAMS, M.D. was and is an employee of MOUNT SINAI SCHOOL OF MEDICINE OF NEW YORK UNIVERSITY.

12. Admits the truth of the allegations contained in Paragraph "12" of the Verified Complaint.

13. Admits the truth of the allegations contained in Paragraph "13" of the Verified Complaint.

14. Denies the allegations contained in Paragraph "14" of the Verified Complaint in the form alleged except admits that JOSEPH MORREALE was a patient.

15. Denies the allegations contained in Paragraph "15" of the Verified Complaint in the form alleged except admits that ANELECHI CHINEDU ANYANWU, M.D. was and is an attending physician at THE MOUNT SINAI HOSPITAL with admitting privileges.

16. Denies the allegations contained in Paragraph "16" of the Verified Complaint in the form alleged except admits that ANELECHI CHINEDU ANYANWU, M.D. was and is an employee of MOUNT SINAI SCHOOL OF MEDICINE OF NEW YORK UNIVERSITY.

17. Admits the truth of the allegations contained in Paragraph "17" of the Verified Complaint.

18. Admits the truth of the allegations contained in Paragraph "18" of the Verified Complaint.

19. Denies the allegations contained in Paragraph "5" of the Verified Complaint in the form alleged except admits that JOSEPH MORREALE was a patient.

20. Denies the allegations contained in Paragraph "20" of the Verified Complaint.

21. Denies the allegations contained in Paragraph "21" of the Verified Complaint in the form alleged except admits that JEFFREY PAUL GUMPRECHT, M.D. was and is an attending physician at THE MOUNT SINAI HOSPITAL with admitting privileges.

22. Denies possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "22" of the Verified Complaint.

23. Denies possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "23" of the Verified Complaint.

24. Denies possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "24" of the Verified Complaint.

25. Denies possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "25" of the Verified Complaint.

26. Denies possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "26" of the Verified Complaint.

27. Denies possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "27" of the Verified Complaint.

28. Denies possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "28" of the Verified Complaint.

29. Denies possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "29" of the Verified Complaint.

30. Denies possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "30" of the Verified Complaint.

31. Denies possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "31" of the Verified Complaint.

JURISDICTION

32. Denies possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "32" of the Verified Complaint.

33. Denies possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "33" of the Verified Complaint.

VENUE

34. Admits the truth of the allegations contained in Paragraph "34" of the Verified Complaint.

JURY DEMAND

35. Admits the truth of the allegations contained in Paragraph "35" of the Verified Complaint.

FIRST CAUSE OF ACTION

36. Defendant repeats and realleges each and every allegation set forth within Paragraphs "1" through "36" of the Verified Answer as if set forth fully herein.

37. Denies the allegations contained in Paragraph "37" of the Verified Complaint in the form alleged except admits that JOSEPH MORREALE was a patient.

38. Denies the allegations contained in Paragraph "38" of the Verified Complaint in the form alleged except admits that JOSEPH MORREALE was a patient.

39. Denies the allegations contained in Paragraph "39" of the Verified Complaint in the form alleged except admits that JOSEPH MORREALE was a patient.

40. Denies the allegations contained in Paragraph "40" of the Verified Complaint in the form alleged except admits that THE MOUNT SINAI HOSPITAL provided services incident to its function as a hospital.

41. Denies the allegations contained in Paragraph "41" in the form alleged except admits that medical services were provided by DAVID H. ADAMS, M.D., ANALECHI CHINEDU ANYANWU, M.D., and JEFFREY PAUL GUMPRECHT, M.D.

42. Denies possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "42" of the Verified Complaint.

43. Denies the allegations contained in Paragraph "43" of the Verified Complaint.

44. Denies the allegations contained in Paragraph "44" of the Verified Complaint.

45. Denies the allegations contained in Paragraph "45" of the Verified Complaint.

46. Denies the allegations contained in Paragraph "46" of the Verified Complaint.

47. Denies the allegations contained in Paragraph "47" of the Verified Complaint.

48. Denies the allegations contained in Paragraph "48" of the Verified Complaint.

49. Denies the allegations contained in Paragraph "49" of the Verified Complaint.

50. Denies the allegations contained in Paragraph "50" of the Verified Complaint.

51. Denies the allegations contained in Paragraph "51" of the Verified Complaint.

52. Denies the allegations contained in Paragraph "52" of the Verified Complaint.

SECOND CAUSE OF ACTION

53. Defendant repeats and realleges each and every allegation set forth within Paragraphs "1" through "53" of the Verified Answer as if set forth fully herein.

54. Denies possessing knowledge or information sufficient upon which to form a belief as to the truth of the allegations contained in Paragraph "54" of the Verified Complaint.

55. Denies the allegations contained in Paragraph "55" of the Verified Complaint.

56. Denies the allegations contained in Paragraph "56" of the Verified Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

19. Pursuant to CPLR Article 16, the liability, if any, of the answering defendant, for non-economic loss shall not exceed its equitable shares of liability.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

20. Plaintiffs have failed to comply with CPLR §3012-a in that they have failed to serve a certificate of merit and, as such, their complaint should be dismissed.

WHEREFORE, defendant JEFFREY PAUL GUMPRECHT, M.D. demands judgment dismissing plaintiff's Verified Complaint with the costs and disbursements of this action.

Dated: New York, New York
June 22, 2007

Yours, etc.,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By:

MICHAEL STEVENS (9623)
Attorneys for Defendant
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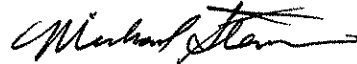
TO: JOSEPH LANNI, P.C.
Attorneys for Plaintiffs
138 Chatsworth Avenue, Suites 6-8
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(914) 834-6600

CERTIFICATE OF SERVICE

I, Michael N. Stevens, hereby certify that I electronically filed the attached *Answer for Jeffrey Paul Gumprecht, M.D.* on behalf of defendant with the Clerk of the Court using CM/ECF system which will send notification of such filing(s) electronically to the following:

Joseph Lanni, P.C.

Dated: October 26, 2007

A handwritten signature in black ink, appearing to read "Michael N. Stevens", written over a horizontal line.

Michael N. Stevens (MS 9623)